

EXHIBIT 46

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL MDL. No. 2804
5 PRESCRIPTION OPIATE Case No. 17-md-2804
6 LITIGATION Judge Dan Aaron Polster

7 THIS DOCUMENT RELATES TO:
8 Track Eight

9 DEPOSITION OF: ERIKA OWENS
10 HIGHLY CONFIDENTIAL TRANSCRIPT ALONG WITH THE
11 ATTACHED EXHIBITS ARE SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

12 The remotely held video deposition of
13 Erika Owens was taken before Janine N. Leroux,
14 Stenographic Court Reporter and Notary Public
15 commencing on Friday, July 28th, 2023, at the
16 approximate hour of 10:01 a.m. Said deposition
17 was taken pursuant to the applicable Federal
18 Rules of Civil Procedure.

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1 THE COURT REPORTER: We are on the
2 record. It is 10:01 a.m.

3 All parties to this deposition are
4 appearing remotely and have agreed to the
5 witness being sworn in remotely. Due to the
6 nature of remote reporting, please pause
7 briefly before speaking to ensure all parties
8 are heard completely.

9 Counsel, please identify yourselves for
10 the record.

11 MS. FLEMING: I'm Maria Fleming. I
12 represent a number of different plaintiffs in
13 this litigation. I'm with Napoli Shkolnik.

14 MS. BURNS: Sarah Burns with Simmons
15 Hanly Conroy for Plaintiffs.

16 MS. KAPKE: Kara Kapke, my colleagues
17 are Monica Brownwell Smith and I represent
18 Publix Supermarkets and Bill Hammond is
19 in-house counsel for Publix is also here with
20 us.

21 MR. ATKINSON: I'm David Atkinson.
22 Good morning, everybody. I'm here for
23 Kroger.

24 MS. MCENROE: Hi. I may be the last of
25 the lawyers left, I'm not sure, but my name

1 is Elisa McEnroe from Morgan Lewis. I
2 represent Rite Aid a non-defendant in this
3 case.

4 MR. BADALA: Salvatore Badala with
5 Napoli Shkolnik.

6 THE COURT REPORTER: Is that everybody?

7 MS. KAPKE: Who is Ariella Muller?

8 MS. MULLER: Sorry, I was just
9 un-muting myself. I represent CVS a
10 non-defendant in this case.

11 MS. KAPKE: And could Mr. Jaffe
12 identify himself?

13 MR. JAFFE: I'm Jonathan Jaffe
14 Plaintiffs also present, not an attorney.

15 MS. KAPKE: Thanks. I think that's
16 everybody.

17 THE COURT REPORTER: Okay. I will
18 swear in the witness.

19 Raise your right hand, please. Do you
20 swear or affirm to tell the truth, the whole
21 truth, nothing but the truth?

22 THE WITNESS: Yes, ma'am.

23 THE COURT REPORTER: Thank you.

24

25

1 THEREUPON:

2 ERIKA OWENS,

3 the witness, after being first duly sworn, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. FLEMING:

7 Q. Good morning, how are you?

8 A. I'm fine, thank you. How are you?

9 Q. I'm well, thank you.

10 My name is Maria Fleming. Like I said,
11 I'm an attorney with Napoli Shkolnik and I
12 represent a number of different plaintiffs in the
13 national prescription opioid litigation, and I
14 will be taking your deposition today, okay?

15 A. Yes, ma'am.

16 Q. Can you state your full name for the
17 record?

18 A. Erika Lynn Owens.

19 Q. Have you gone by any other former
20 names?

21 A. Yes, ma'am.

22 Q. Do you mind stating those names for me,
23 please?

24 A. Yes. Erika Lynn Juhaz the spelling is
25 J-U-H-A-Z as in Zebra and Erika Lynn Hembree,

1 Q. Does Publix not require pharmacists to
2 document when they are clearing a red flag before
3 filling a -- sorry. Strike that.

4 Does Publix not require its pharmacists
5 to document red flags having cleared prior to
6 dispensing?

7 MS. KAPKE: Object to form.

8 A. I am not aware of the requirement that
9 we have to document.

10 Q. It is not your practice to document
11 when you've cleared a red flag prior to
12 dispensing?

13 A. I do not document everything, no.

14 Q. Is there a reason why you wouldn't
15 document that you cleared a red flag before you
16 dispensed a prescription?

17 A. Well, in my previous example with the
18 cancer patient, you could see that the header on
19 the prescription may be from a prestigious cancer
20 center. So even though they are outside, you
21 know, our, quote, unquote, radius, the patient is
22 in need of that prescription for a legitimate
23 reason.

24 Q. Can you clear red flags by calling a
25 doctor?